



Vides pārraudzības valsts birojs

Environment State Bureau of the Republic of Latvia

Rūpniecības iela 23, Rīga, LV-1045, Latvia, phone +371 67321173, e-mail pasts@vpvb.gov.lv, www.vpvb.gov.lv

Riga

08.02.2024 No. 4-04/127/2024

Ref.to.: 18.12.2023. Nr. D8(E)-7110

The Ministry of the Environment of the Republic of Lithuania
info@am.lt

Artūras Sakalauskas
arturas.sakalauskas@am.lt

Regarding the transboundary strategic environmental assessment of the Engineering Infrastructure plan in Lithuania

The Environment State Bureau (hereinafter – the Bureau) would like to express gratitude to the Ministry of Environment of the Republic of Lithuania for information sent concerning notification of the strategic environmental assessment (hereinafter – the SEA) of the Engineering Infrastructure Development Plan, which is the project of special national importance „*Preparation of Territories Necessary for the Connection of the Renewable Energy Power Generation Units Planned to be Developed in the Part(s) of the Territorial Waters of the Republic of Lithuania and/or the Exclusive Economic Zone of the Republic of Lithuania in the Baltic Sea to the Electricity Transmission Grid for the Development of the Engineering Infrastructure*“ (hereinafter – the Planning document) with reference to the Article 10 of the Protocol on Strategic Environmental Assessment (Convention on Environmental Impact Assessment in a Transboundary Context) (hereinafter – the Protocol) and to the Article 7 of the Directive 2001/42/EC of the European parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programs on the environment (hereinafter – the Directive). The Bureau hereby acknowledges the receipt of the notification.

The Bureau evaluated submitted information and asked the competent authorities for an opinion regarding the possible significant transboundary impacts of the implementation of the Planning document, as well opinions regarding participation in the transboundary consultations and necessity of the informal online meeting that was kindly offered by the Ministry of Environment of the Republic of Lithuania.

At first, we would like to inform you that none of institutions addressed indicated that an informal online meeting was necessary. However, the Bureau has received comments regarding the Summary of the SEA, as well as opinions regarding participation in the transboundary

consultations from the Ministry of the Environment Protection and Regional Development of the Republic of Latvia, the Ministry of the Climate and Energy of the Republic of Latvia, the Ministry of Transport of the Republic of Latvia, the Ministry of Foreign Affairs of the Republic of Latvia, the Ministry of Defence of the Republic of Latvia, the Ministry of Health of the Republic of Latvia, the Ministry of Interior of the Republic of Latvia, the State Fire and Rescue Service of the Republic of Latvia, the Nature Conservation Agency, the State Environmental Service, the Dienvidkurzeme Municipality and the Kurzeme Planning Region. The Bureau has not received comments from the public.

Most of the institutions informed they had no comments or proposals for the SEA of the Planning document (the Summary of SEA). However, the Ministry of Transport of the Republic of Latvia, the Ministry of Health of the Republic of Latvia, the Ministry of Defence of the Republic of Latvia, the Nature Conservation Agency, the Kurzeme Planning Region, and the Dienvidkurzeme Municipality provided more detailed comments.

The Ministry of Transport of the Republic of Latvia highlighted the following:

1. In accordance with the Summary of the SEA (November 2023) (the Section 4.2 *Cross-border impact*, table.1 *Assessment of the possible consequences of implementation of the solutions of the Development* (page 37), implementation of the solutions of the Planning document will not lead to any restrictions on shipping and therefore no action to mitigate the impact in the Republic of Latvia is envisaged.

The drawing (Figure 1)¹ is attached to the Planning document, which shows the shipping lanes in the adjacent territory of the Lithuanian Offshore Wind Park (hereinafter - Lithuanian OWP).

The specified information on shipping lanes is different from the Environmental Impact Assessment Report for *the Installation and Operation of the Offshore Wind Farm in Lithuania's Marine Territory* (March 2022) (hereinafter – the EIA document) in Figure 2.1 of section 2 of the EIA document (page 20) (Figure 2) between the Lithuanian OWP and the coast of Lithuania, a general purpose shipping lane (*bendro naudojimo laivybos kelias*) is indicated, which continues in the waters of exclusive economic zone of Latvia.

General importance shipping route is specified in Section 2.3 of the EIA document “*References to Territorial planning documents, strategic plans and programs*” figure 2.3.1. (page 23) (Figure 3).

The shipping lane of general importance from the waters of Lithuania continues into the waters of Latvia (Figure 4) on “*The priorities of the use of sea space*” on “*Maritime Planning for the internal sea waters of the Republic of Latvia, the territorial sea and the waters of the exclusive economic zone until 2030*”.

Thus, the Ministry of the Transport of the Republic of Latvia cannot agree with the evaluation of the possible consequences of the implementation of the solutions of the development plan of the Lithuanian OWP in the Planning document for the Republic of Latvia, in terms of navigation restrictions, because it has not been evaluated, taking into account the general-purpose shipping lane (*bendro svetnių laivybos kelias*), which continues in the waters of the exclusive economic zone of Latvia.

At the same time, the Ministry of the Transport of the Republic of Latvia asks the Ministry of Energy of the Republic of Lithuania to provide an explanation about the absence of a general purpose shipping lane (*bendro sveijo laivybos kelias*) between the Lithuanian OWP and the coast of Lithuania in the Planning Document, as well as to

¹ Figure 1, as well as all other mentioned Figures in brackets (2, 3, 4) are found in the enclosed letter from the Ministry of Transport of the Republic of Latvia (document: *Ministry of Transport_annex.pdf*).

carry out a new assessment of the possible consequences of the implementation of the Lithuanian OWP development plan solution for the Republic of Latvia, taking into account the indicated shipping route.

2. It can be inferred from the Summary of the SEA (November 2023) of the Planning document that the territories necessary for the development of engineering infrastructure will be compatible with the territories reserved for navigation (maritime transportation/navigation routes), including the shipping routes marked in *the Maritime Spatial Plan of Latvia*. However, in order to ensure visibility, the Ministry of the Transport of the Republic of Latvia kindly asks to supplement the Figure 13 of the Summary of the SEA document by marking maritime transportation/navigation routes according to *the Lithuania's Comprehensive Plan of the territory of the Republic of Lithuania* part "*Maritime territories*".

The Nature Conservation Agency noted following:

1. Considering the performed environmental assessment, including multi-criteria and cost analysis, the most recommended option for laying cables from territory A is A1-C1 or A1-C2, while from territory D, B1-C1 and B2-C2. Evaluating the information included in the SEA, the Nature Conservation Agency apparently agrees with the selected alternatives as suitable.
2. The planned cable corridor crosses the wide biosphere landfill of a specially protected area in Lithuania - Klaipeda-Ventspils, and is also located 300 m away from the biological research area B1 specified in *the Maritime Plan for the internal waters of the Republic of Latvia, the territorial sea and the waters of the exclusive economic zone until 2030*, in which within the framework of the project Research of Marine Protected Habitats and Determination of the Necessary Protection Status in the Exclusive Economic Zone of Latvia (LIFE REEF), research is currently underway to determine it as a protected marine area.
3. The Summary of the SEA states that the planned cable corridor will be located 100 m to 300 m from the Latvian-Lithuanian exclusive economic zone border, as well as the planned 100 m cable protection strip will also be located on the territory of Lithuania. Here it must be considered that the border agreement on the maritime border of the Republic of Latvia and Lithuania has not yet been concluded.
4. The comprehensibility of the Summary of the SEA would be significantly improved by the accurate cartographic representation of all alternatives, as the designations used in the text and images are sometimes not mutually intelligible; it is necessary to reflect the alternative assessment in a single table, which would be significantly more transparent and accurate.
5. In the Summary of the SEA, it is concluded that the planned cable corridor will have a negative impact on wintering birds and habitats during construction. Therefore, as a mitigating measure, the construction of cable corridors is planned to be carried out in the summer months (April - November), when there are no wintering waterfowl, while with regard to habitats, it is planned to bypass the most valuable habitat areas as much as possible, as well as to carry out the laying of cables using the drilling method, thus not affecting them. The connection to the land is also planned to be made by drilling method, so as not to affect the most sensitive part of the shallow water and the beach. Land connections are planned to be located without disturbing the riverbeds, respecting the sensitive nesting period of birds, and avoiding clearing in habitats of European importance as much as possible. The Nature Conservation Agency supports the implementation of the project only if these requirements are implemented.

6. The Summary of the SEA states that the Republic of Latvia has not objected to previous planning documents (*Comprehensive Plan of the territory of the Republic of Lithuania (2015)*, *Engineering infrastructure development plan for the development of renewable energy in the territorial sea of the Republic of Lithuania and/ or the exclusive economic zone of the Republic of Lithuania in the Baltic Sea (2022)*) to the already established possible cable corridors along the border of Latvia and the Republic of Lithuania, therefore, taking into account the principle of legal trust, there are no other significant objections.

The Ministry of the Health of the Republic of Latvia has indicated that Section 4.2 *Cross-border impact* of the Summary of the SEA does not include any factors that may affect the inhabitants of Latvia, however, the assessment of various factors provided in the Section 4.1 *Consequences for environmental components due to implementation of the alternatives under consideration* regarding the possible impact on public health refers to the level of noise that may be increased during construction. Since construction work is planned close to the border of Latvia, the Ministry of the Health of the Republic of Latvia kindly asks to evaluate the possible noise against the nearest populated areas (including singles) in the territory of Latvia. In addition, the Bureau would like to inform the according to the in-force Rucava District Municipal spatial plan for 2012 – 2023² the dominant functional zones of the permitted usage on the border area are *Agricultural Territory (L)* and *Forest Territory (M)*, where residential and public buildings are allowed as well. The nearest homestead is located approximately 200 m from the border³.

The Ministry of Defence of the Republic of Latvia within the scope of its competence concluded that it has no comments on the Summary of the SEA, nor will it have a direct negative impact on the defence interests of the Republic of Latvia.

The Dienvidkurzeme Municipality has indicated that according to the Summary of the SEA, the laying of cables will not affect any activities performed or planned in the territory of the Republic of Latvia, including fishing, construction of renewable energy infrastructure or extraction of mineral resources. Significant negative consequences in a cross-border context due to the implementation of the alternatives addressed in the Summary of the SEA are not expected.

The Kurzeme Planning Region draws attention to the fact that the electricity cable scenarios connecting the offshore wind farms to the onshore electricity transmission grids and the related infrastructure **cross** part of the European long-distance coastal hiking trail E9 – the Baltic Coastal Hiking Trail “*Jūrtaka*” – which stretches from Lithuania via Latvia to Estonia. It is therefore crucial that the continuity of this popular international hiking trail is ensured during the active construction period of the power cables and that hiking trail value and quality are not compromised. The Kurzeme Planning Region also points out that in one of the scenarios the power cables are to be laid about 100 - 300 m from the maritime border between the Republic of Latvia and the Republic of Lithuania (“*..electricity cables will not be laid and related infrastructure will not be installed **closer than 100 m to the Latvian-Lithuanian border, both offshore and on the mainland.***”), while the maritime border agreement has not yet been ratified in Latvia – *de jure* it is not valid. If such an alternative were to be chosen, separate international consultations would probably be necessary.

The Bureau has gathered and evaluated opinions expressed by all above mentioned authorities regarding necessity of entering into transboundary consultations. The Bureau in general agrees with estimation that Latvia is not likely to be affected to such an extent that would require participation in the SEA and transboundary consultations as an affected country under the Article

² https://geolatvija.lv/geo/tapis#document_34 (map in Latvian – *Rucavas novada teritorijas plānotā (atļautā) izmantošana*).

³ https://www.kadastrs.lv/graphical_data/show

10 of the Protocol and to Article 7 of the Directive **unless** there is an opportunity to continue cooperation within framework of current stage. We believe that there is no need for organizing additional public information/participation measures as well as no need for additional translation of documents. However, several involved authorities have pointed out aspects of transboundary impacts which we would kindly ask to consider when developing the Planning document and carrying out its SEA, making appropriate additions to these documents, including the cartographic material. Considering above mentioned **we kindly ask for your response in writing** regarding the issues highlighted by the Ministry of Transport of the Republic of Latvia, the Nature Conservation Agency, the Ministry of Health of the Republic of Latvia, and Kurzeme Planning Region before the Planning document is approved. The Bureau will forward your response to these authorities with a request for approval.

Looking forward to further constructive and effective cooperation in the transboundary context.

Enclosure: Comments from the Ministry of the Environment Protection and Regional Development of the Republic of Latvia, the Ministry of the Climate and Energy of the Republic of Latvia, the Ministry of Transport of the Republic of Latvia, the Ministry of Foreign Affairs of the Republic of Latvia, the Ministry of Defence of the Republic of Latvia, the Ministry of Health of the Republic of Latvia, the Ministry of Interior of the Republic of Latvia, the State Fire and Rescue Service of the Republic of Latvia, the Nature Conservation Agency, the State Environmental Service, the Dienvidkurzeme Municipality, the Kurzeme Planning Region (in total 14 files).

Yours sincerely,

Daiga Avdejanova (signature*) Director of Environment State Bureau of the Republic of Latvia

**Document is sign with secure electronical signature*

Ilze Lielvalode, phone: +371 67770813,
e-mail: ilze.lielvalode@vpvb.gov.lv